

Chairperson John R. Clark
Vice-Chairperson Michael Parks
Parliamentarian Don Maxwell



Commissioners
Michael Beckendorf
John Bond
Helen Chavarria
Ralph Davila
Robert Horton
G.H. Jones

MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, MARCH 20, 2008
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Chairperson Clark called the regular meeting to order at 6:07 p.m.

Commissioners	Present	2008 Regular Meetings Held	2008 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
Michael Beckendorf	No	6	4	11	8
Johnny Bond	Yes	6	6	11	11
Helen Chavarria*	Yes	6	5	11	5
John R. Clark	Yes	6	6	11	11
Ralph Davila	Yes	6	6	11	11
Robert Horton	Yes	6	4	11	9
G.H. Jones	Yes	6	6	11	10
Don Maxwell	Yes	6	4	11	9
Michael Parks	Yes	6	5	11	10

*appointed in January 2008

Staff members present: Mr. Randy Haynes, Staff Planner; Ms. Lindsey Guindi, Planning Manager; Ms. Janis Hampton, City Attorney; Mr. Richard Reynosa, Assistant City Engineer; and Mr. Rodney Schmidt, Planning Intern.

Chairperson Clark announced that regular agenda item number 5, Rezoning case no. RZ 08-10, had been withdrawn by the applicant and that there would be no public hearing on the matter.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

No affidavits were filed.

4. CONSENT AGENDA

A. Minutes from the workshop and regular meetings on March 6, 2008.

Commissioner Maxwell moved to approve the Consent Agenda. Commissioner Jones seconded the motion.

Chairperson Clark asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

5. Rezoning RZ08-10: Lauth Property Group, Inc.

L. Guindi

A request to change the zoning classification from an Agricultural Open (A-O) District to a Planned Development District (PD) allowing certain office, retail, and commercial uses (including multi-family) on 186.8 acres of land out of Richard Carter Survey, Abstract No. 8, adjoining the east side of State Highway 6 between Briarcrest Drive (F.M. 1179) and University Drive East in Bryan, Brazos County, Texas.

Chairperson Clark reiterated that his item had been withdrawn by the applicant and that there would be no public hearing on the matter.

6. Conditional Use Permit CU08-02: Stan and Lisa Ketchum

R. Haynes

A request for approval of a Conditional Use Permit to allow a Bed and Breakfast in an Residential District – 5000 (RD-5), specifically on property at 1015 East 24th Street, occupying Lot 1 in the Wonderland Subdivision in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the applicants desire to use an existing residence on property at 1015 East 24th Street for a planned bed & breakfast. The property is zoned Residential District – 5000 (RD-5). Zoning regulations potentially allow the operation of bed & breakfasts in RD-5 zoning

districts, but only with approval of a conditional use permit. The applicants are requesting approval of such a conditional use permit. No substantial additional physical development is planned to occur. Landscape screening of the single adjacent property will be enhanced. The accompanying site plan was reviewed and approved by the Site Development Review Committee on March 4, 2008.

Staff recommends approval of the conditional use permit because the proposed bed & breakfast establishment is compatible with existing residential uses abutting the subject property, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, and access and circulation features. There being only one directly abutting residential site, the opportunity for conflict is minimal.

The public hearing was opened.

Mr. Alberto Garcia, 1112 Westover, College Station, Texas came forward and stated that a bed & breakfast would be appropriate for the property.

Mr. Patricia K. Jones, 1008 East 24th Street, Bryan, Texas came forward and asked about parking for the potential bed & breakfast. She also asked if someone would be living in the house all the time. Mr. Haynes responded by stating that the subject property has sufficient on-site parking and would not require on-street parking. He also stated that either a manager or the owner is required to live on the property at all times.

The public hearing was closed.

Commissioner Parks moved to approve Conditional Use Permit CU08-02, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Clark asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

7. Planning Exception PE08-02: Beard Family Partnership

M. Zimmermann

A request for approval of an exception to standards of the subdivision ordinance that generally require construction of abutting streets and installation of water lines to the furthest boundary line of a proposed subdivision, to not require the construction of such infrastructure with the proposed subdivision of 3.38 acres of vacant land located on the north side of Green Branch Loop, approximately 1,350 feet northwest from its intersection with Steep Hollow Road in Bryan's eastern extraterritorial jurisdiction in Brazos County, Texas (proposed Green Branch Ridge Subdivision – Phase 2A).

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmermann explained that the applicants are proposing to plat 3.38 acres of vacant land in Bryan's eastern ETJ, into two lots and that conformance with City of Bryan subdivision regulations requires additional dedication and improvement of adjacent street segments with driving surfaces and water lines. The applicants are requesting an exception to these requirements, to be allowed to pursue approval of the proposed subdivision plat without the installation of the required street and utility infrastructure.

Mr. Zimmermann reminded that the Planning and Zoning Commission may authorize exceptions from standards of the Subdivision Ordinance only if all four criteria for approving such exceptions have been met. He explained that staff was not able to make affirmative findings for two of these four criteria, specifically findings that in this particular case special circumstances exist where the strict application of standards would deprive the applicants of the reasonable use of their land and findings that the exception is necessary for the preservation and enjoyment of the property. Staff contends that these two criteria have not been met in this particular case.

Staff believes that “unfeasibility” and “expense outweighing project value” may be reasons to not pursue a development project, but they appear not to be special circumstances depriving the applicants of the reasonable use of their land. The property is located in Brazos County and could be used for many purposes. Staff is also not able to identify valid reasons that would justify granting the exception for the preservation and continued enjoyment of the property. Even with the installation of utility and street infrastructure, specific property features can still be preserved and the property can still be enjoyed (and perhaps more so). Based on all these considerations, staff recommends denying the requested exception. Mr. Zimmermann reminded Commissioners that the need for this exception was created, because the applicants desire to develop this property without conforming to the approved master preliminary plan for Green Branch Ridge Subdivision.

Commissioners Parks and Horton left the meeting at 6:44 p.m. and did not return.

The public hearing was opened.

Mr. Greg Taggart, 2551 Texas Avenue A, College Station, Texas, representing the applicant, came forward to speak in favor of the request. Mr. Taggart stated that the reason the asphalt stub street and water pipe extension were not completed in 2000 was because Brazos County’s engineering department stated that they did not want the roads and pipes put it. It was believed that if they were installed and not used, they would degrade.

Commissioner Davila asked if at the time of installation the construction documents showed the subject street stub. Mr. Taggart stated that they did not.

Chairperson Clark stated that the problem in this case lies with the fact that the street stub is present on the final plat.

Mr. Taggart stated that when a street exists on a plat in the County, it is merely an offer of dedication, not an automatic dedication.

Commissioner Maxwell commented that his biggest concern in this case is that the proper platting and building procedures were not followed.

Mr. Richard Reynosa, Assistant City Engineer, came forward and commented that he agreed with Mr. Taggart in that if the stub asphalt street and water lines were built as proposed in the plat, they would deteriorate rapidly. He also commented that the project’s master plan should be amended.

Mr. Jim Beard, 9471 Steep Hollow Road, Bryan, Texas, applicant, came forward to speak in favor of the planning exception.

The public hearing was closed.

Commissioner Bond moved to approve Planning Exception PE08-02, as requested, based on the following findings:

- **The developer is not trying to avoid their responsibilities in building the appropriate infrastructure. When the housing market will support more homes to be built in the additional phase of this development, then the street and waterline in question will be built.**
- **Denying this request would deprive reasonable use of the property and the preservation and enjoyment of the property.**
- **Approving the request will give the developer more time to extend the road and finish the subdivision.**
- **Most properties in this rural subdivision have been developed with single-family homes and would not be negatively affected in any way if the required street extensions and water lines were not constructed.**
- **Granting of the exception will not have the effect of preventing the orderly subdivision of adjoining land.**

Commissioner Maxwell seconded the motion.

Chairperson Clark asked if there was any discussion.

Commissioner Maxwell commented that it does not make sense to build a road which will not be driven on for quite some time and a water line which will not have fresh water continuously flowing through it. He agreed with Commissioner Bond's comment that the construction of the infrastructure on the plat is simply a matter of timing and will be installed if and when additional phases are developed in this community.

Commissioner Davila commented that it is important to abide by the Subdivision Ordinance and require the infrastructure to be built as described on the subdivision plat.

Chairperson Clark commented that he understood the logic of approving the planning exception, but he had a concern about the mechanics of dealing with Final Plat FP08-05 if this item is approved.

Commissioner Davila asked staff if the applicant could appeal the Commission's decision to City Council. Ms. Janis Hampton, City Attorney, commented that the Subdivision Ordinance does not provide for such an appeal.

Commissioner Maxwell asked staff if the applicant were to amend the preliminary plan, would that alleviate the problem at hand. Mr. Zimmermann commented that, if the exception was not granted, the infrastructure would still need to be built

Commissioner Maxwell asked staff if the county ever accepted the right-of-way in the plat. Ms. Janis Hampton commented that the mere filing of a plat does require the county to accept right-of-way.

The motion passed with a vote of four (4) in favor and two (2) in opposition. Commissioners Chavarria and Davila cast the votes in opposition.

8. Final Plat FP08-05: Green Branch Ridge Subdivision – Phase 2A

M. Zimmermann

Proposed Final Plat of Green Branch Ridge Subdivision – Phase 2A, being 3.38 acres of vacant land located on the north side of Green Branch Loop, approximately 1,350 feet northwest from its intersection with Steep Hollow Road in Bryan's eastern extraterritorial jurisdiction in Brazos County, Texas.

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmermann stated that even with approval of Planning Exception PE 08-02 staff recommends denying this proposed final plat, due its noncompliance with the approved Master Preliminary Plan of Green Branch Ridge Subdivision.

Responding to a question from Commissioner Maxwell, Mr. Zimmermann explained that the master preliminary plan can be amended to show the proposed lot configuration of Phase 2A.

Chairperson Clark stated that Phase 2A does not exist on any preliminary plan.

Chairperson Clark asked if a final plat can be approved if it does not conform to an approved preliminary plan. Reading the applicable section of the Subdivision Ordinance, Ms. Lindsey Guindi, Planning Manager, stated that the final plat must conform to the approved preliminary plan.

Commissioner Maxwell moved to deny proposed Final Plat FP08-05, due to noncompliance with the approved Master Preliminary Plan of Green Branch Ridge Subdivision. Commissioner Chavarria seconded the motion.

Chairperson Clark asked if there was any discussion.

Chairperson Clark commented that his main concern for this issue was whether the final plat was in conformance with the master preliminary plan.

The motion passed with a unanimous vote.

9. ADJOURN

Without objection, Chairperson Clark adjourned the regular meeting at 7:20 p.m.

These minutes were reviewed and approved by the City of Bryan Planning & Zoning Commission on this the 17th day of **April, 2008**.

John R. Clark, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission